

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, NOVEMBER 14, 2000

The Board consisted of:

Thomas W.H. Phelps, Chairman
Mark a. Kablack, Clerk
Patrick J. Delaney III
Lauren S. O'Brien
Richard L. Burpee, Alternate

Notice was published in the Sudbury Town Crier on October 26 and November 2, 2000, posted, mailed and read at this hearing.

Mr. Phelps, Chairman, explained the requirements necessary to substantiate the granting of a special permit. He also explained that if anyone is not satisfied with the Board's decision, they have the right to appeal to Superior Court or District Court within twenty days after the decision has been filed with the Town Clerk, and that possible other appeals may exist under current law.

Alba Taylor, Mark Taylor and Christine Taylor were present to represent a petition for renewal of Spcial Permit 99-52 to conduct a summer day camp for nursery, kindergarten and first graders at Camp Sewataro, One Liberty Ledge.

Camp Sewataro has been operating since 1960 and has another permit for 450 campers in the 4-14 age group. Ms. Taylor reported that this first year of having the younger age group went well and there were no problems. They have received no complaints from the neighbors. Renewal is being requested to coincide with the other permit so that both can be renewed at the same time.

Mr. Phelps read a letter dated November 13, 2000 from the Planning Board which recommends approval without a time limit or, in the alternative, for five years.

With regard to the renewal period, the Board would prefer to set a term to coincide with the other permit; then when both are up for renewal to consider a longer period.

Mr. Delaney commended the applicants on what he believed to be the most problem-free operation in town.

There were no further questions or comments. No abutters were present. The hearing was closed.

After deliberation the following motion was placed and seconded:

MOTION: "To grant Camp Sewataro, Inc., applicant, and Liberty Ledge Real Estate Trust, owner of property, renewal of Special Permit 99-52, granted under the provisions of Section I,F of the Zoning Bylaws, to conduct a summer day camp for nursery, kindergarten and first graders, property located at One Liberty Ledge, Residential Zone A-1, provided that:

1. The number of campers shall not exceed 150.
2. This permit will expire on February 23, 2002, and the Board will consider renewal upon receipt of proper application on or before that date."

VOTED: In favor: 5 (unanimous) Opposed: 0

REASONS: Renewal is being sought to accommodate nursery, kindergarten and first graders into a summer day camp program which has been in operation for over 40 years. The Board finds that the petitioners have consistently met the requirements for granting of their permit and considers this camp to be an asset to the community. It continues to operate causing no problems to the residents.

Thomas W.H. Phelps, Chairman

Mark A. Kablack, Clerk

Patrick J. Delaney III

Lauren S. O'Brien

Richard L. Burpee, Alternate

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, NOVEMBER 14, 2000

The Board consisted of:

Thomas W.H. Phelps, Chairman
Mark A. Kablack, Clerk
Patrick J. Delaney III
Lauren S. O'Brien
Richard L. Burpee, Alternate

Notice was published in the Sudbury Town Crier on October 26 and November 2, 2000, posted, mailed and read at this hearing.

Mr. Phelps, Chairman, explained the requirements necessary to substantiate the granting of a special permit. He also explained that if anyone is not satisfied with the Board's decision, they have the right to appeal to Superior Court or District Court within twenty days after the decision has been filed with the Town Clerk, and that possible other appeals may exist under current law.

Marilyn Perry, Executive Assistant, GFWC, was present to represent a petition for renewal of Special Permit 95-46 to continue the use of the property at 245 Dutton Road as its headquarters. Ms. Perry was requesting renewal under the previous conditions.

Ms. Perry explained that GWFC has completed the conveyance of the bulk of the property to Sudbury Valley Trustees (SVT) who has agreed to keep the land in perpetuity as conservation land.

Ms. Perry said the layout of the GWFC area has not changed. It consists of a one-story headquarters building, caretaker's cottage, and a small one-room building for meetings. A biologist, responsible for maintaining the land, resides in the cottage.

Mr. Phelps read a letter dated November 13, 2000 which recommends approval.

There were no further questions. No abutters were present. The hearing was closed.

After deliberation the following motion was placed and seconded:

MOTION: "To grant G.F.W.C. of MA (General Federation of Women's Clubs of Massachusetts), owner of property, renewal of Special Permit 95-46, granted under the

G.F.W.C. of MA
(General Federation of Women's Clubs of Massachusetts)
245 Dutton Road
00-35

provisions of Section I,F of the Zoning Bylaws, to continue to use as its headquarters property located at 245 Dutton Road, Wayside Inn Historic Preservation Residential Zone. This permit will expire in five (5) years on November 14, 2005, and the Board will consider renewal upon receipt of proper application on or before that date.”

VOTED: In favor: 5 (unanimous) Opposed: 0

REASONS: The General Federation of Women's Clubs of Massachusetts is a non-profit educational corporation. It presently uses this property as the headquarters for its educational work and is utilized by a secretary approximately 18 hours/week, Council members once a month, with approximately 6-8 general meetings held per year. The use has been in existence for several years and the Board finds that the continued use will not be detrimental to the neighborhood. It does not significantly alter the character of the zoning district nor does it substantially derogate from the intent and purpose of any section of the Bylaw. Additionally, since the property will continue to be maintained as conservation land used for passive recreation, the Board finds a five-year renewal period to be appropriate in this case.

Thomas W.H. Phelps, Chairman

Mark A. Kablack, Clerk

Patrick J. Delaney III

Lauren S. O'Brien

Richard L. Burpee, Alternate

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, NOVEMBER 14, 2000

The Board consisted of:

Thomas W.H. Phelps, Chairman
Mark A. Kablack, Clerk
Patrick J. Delaney III
Lauren S. O'Brien
Richard L. Burpee, Alternate

Notice was published in the Sudbury Town Crier on October 26 and November 2, 2000, posted, mailed and read at this hearing.

Mr. Phelps, Chairman, explained the requirements necessary to substantiate the granting of a use variance. He also explained that if anyone is not satisfied with the Board's decision, they have the right to appeal to Superior Court or District Court within twenty days after the decision has been filed with the Town Clerk, and that possible other appeals may exist under current law.

Present: Floyd Stiles, Mary Jane Hillery, Spenser Goldstein

Floyd Stiles was present to represent a petition for renewal of Use Variance 99-36 to use the building and property at 676 Boston Post Road as a clubhouse and meeting hall.

Mr. Stiles reported no issues that he was aware of. He said he sent notices to abutters inviting them to their open house in November and solicited comments on the operation. He received no comments. Mr. Stiles noted the permit requires notification to the abutters in June; however, he believed November was a better time as the Veterans Day open house provides an opportunity for the residents to see what the Legion does.

Bruce Kankanpaa, 11 Stone Road, abutter, had no issues and supported renewal.

There were no further comments. The public hearing was closed.

After deliberation the following motion was placed and seconded:

MOTION: "To grant Sudbury American Legion Post 191, applicant, renewal of Use Variance 99-36, granted under the provisions of Section III,A,1 of the Zoning Bylaws, to use the building and property as a private clubhouse and meeting hall, property located at 676 Boston Post Road, Residential Zone A-1, provided that:

1. There shall be no parking on Boston Post Road or Stone Road by those using the building, and there shall be no traffic hazard as defined by the Police Chief.
2. All off-street parking is to be on the westerly side of the property. The five-foot wide buffer between the parking area and rear lot line shall be maintained and shall consist of a low retaining wall at the rear of the parking area with suitable plantings within a buffer area.
3. The barrier constructed to prevent parking on Stone Road shall be properly maintained.
4. There shall be no illuminated signs on the property.
5. A sign no larger than one square foot to identify the building shall be allowed.
6. There shall be no exterior storage of any kind, nor shall exterior rubbish (dumpster) be allowed.
7. There shall be no organized outdoor activities on the property except for the following three events: Earth Day, Memorial Day, and July 4th activities.
8. There shall be no exterior floodlights on the property except that a single light, consisting of a motion sensor light, to light the parking area and so located as not to shine into the public way or toward neighboring residences, is permitted. The light currently used to shine on the flag will be properly maintained.
9. No nuisance shall be created and abutters must be contacted by written letter, with a copy to the Board of Appeals, once a year during the month of November, to solicit complaints or areas of concern.
10. This Use Variance is non-transferable and shall not run with the land and shall be limited to a period of one (1) year to expire on November 14, 2001. The Board will consider renewal upon receipt of proper application on or before that date.”

VOTED: In favor: 5 (unanimous) Opposed: 0

REASONS: The petitioner seeks renewal of a use variance to continue using the building and property as a clubhouse and private meeting house. Although the petitioner in past years has met the terms of the previous use variance in spirit, there had been problems with compliance of Condition 9 which requires notification to abutters once a year. Abutters were contacted by letter during the month of November which appears to be a more appropriate time according to the petitioner. The Board has therefore amended that condition to require notification in November to ensure compliance. With this amendment and the existing conditions, the Board finds that there should be no detriment to the public good and further, that the granting of this

renewal will not substantially derogate from the intent of the Bylaws. It further finds a one-year renewal period to be appropriate for this renewal. A longer period may be considered at the next renewal if the conditions continue to be adhered to and there continues to be no complaints from abutters.

Thomas W.H. Phelps, Chairman

Mark A. Kablack, Clerk

Patrick J. Delaney III

Lauren S. O'Brien

Richard L. Burpee, Alternate

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, NOVEMBER 14, 2000

The Board consisted of:

Thomas W.H. Phelps, Chairman
Mark A. Kablack, Clerk
Patrick J. Delaney III
Lauren S. O'Brien
Richard L. Burpee, Alternate

Notice was published in the Sudbury Town Crier on October 26 and November 2, 2000, posted, mailed and read at this hearing.

Mr. Phelps, Chairman, explained the requirements necessary to substantiate the granting of a special permit. He also explained that if anyone is not satisfied with the Board's decision, they have the right to appeal to Superior Court or District Court within twenty days after the decision has been filed with the Town Clerk, and that possible other appeals may exist under current law.

John and Betsy Sinnigen were present to represent renewal of Special Permit 98-46 to operate a veterinary medical center and kennel at 662 Boston Post Road. The only change being requested was that of Condition 4 which requires that the residence on the property be occupied by an employee or owner. Dr. Sinnigen said a good percentage of his employees are high school students and those other employees are not willing to rent the residence.

Dr. Sinnigen said a realtor has found a family willing to rent who are not employees. They would therefore like more freedom in who may be allowed to rent the residence.

Mr. Delaney said at the last hearing the Dr. Sinnigen noted that it would be difficult to rent. Dr. Sinnigen said although it is a 4-bedroom house, it is close to the animal hospital.

Absent the problems, Mr. Delaney asked if the house appears to be rentable. Dr. Sinnigen said it didn't take long for a realtor to find this rental; although he does not believe it is an ideal property to rent. He did add that now Sudbury is a desirable community in which to rent.

Ms. O'Brien asked what would happen should the economy be such that the house was not rentable. Dr. Sinnigen said it would remain vacant. He said he has no intention of making it part of the hospital.

Mr. Phelps read a letter dated November 13, 2000 from the Planning Board which voted to recommend approval and encourages and longer time limit or indefinite period. The Board also recommends that the condition to require the owner or employee be removed, but in order to ensure the continued operation of the business at its current residential scale, the residence should continue to be rented as such.

Mr. Delaney believed there were subtle differences between Condition 4 and 13. He said 13 would not rule out lack of use, while 4 requires the house to be occupied and by whom.

Further discussion centered on the ramifications should the residence remain vacant for a protracted period of time. Mr. Delaney voiced concern that if it continued to be vacant, the end result could be that what began as a residence could ultimately turn into a non-residential use.

Dr. Sinnigen reiterated his intention to keep the property rented.

There were no further questions or comments. No abutters were present. The hearing was closed.

After deliberation the following motion was placed and seconded:

MOTION: "To grant Drs. John K. and Betsy A. Sinnigen, owners of property, a Special Permit under the provisions of Sections III,A,1,e and V,H of the Zoning Bylaws, specifically to operate a veterinary medical center and kennel, property located at 662 Boston Post Road, Residential Zone A-1, provided that:

1. The operation does not produce offensive noise, vibration, smoke, dust, odors, heat, lighting, electrical interference, radioactive emission or environmental pollution.
2. The operation does not utilize exterior storage of material or equipment (including the parking of commercial vehicles).
3. The operation does not exhibit indication of its presence or variation from residential appearance, with the exception of the existing sign.
4. All animals shall be kept inside.
5. No outdoor kennel or runs shall be constructed.
6. No boarding, except for brief stays associated with treatment, or for boarding of clients' animals, will be allowed.

7. The number of small animals, except emergency cases, shall be limited to a total of thirty (30) animals.
8. The establishment of office hours shall be limited to no later than 9:00PM.
9. No animals will be left unattended on the premises for prolonged periods (24 hours).
10. The use of premises and/or renovation of premises shall comply with all Town of Sudbury Bylaws and State regulations relating to construction of additions; and, the use of that portion of premises and existing building to be used as a veterinary medical center and kennel shall comply with all Board of Health and State health and medical center and/or veterinary hospital and animal kennel regulations applicable to the proposed and permitted use(s).
11. The permit for use of premises as a “medical center” applies only to the existing veterinary hospital building referred to in petitioners’ plan as “existing animal hospital” and any additions to this building for which the petitioners received applicable building or site plan permits. The existing animal hospital building and proposed addition/modification is shown on plans/drawing on file and is incorporated herein by reference.
12. The existing residence building, also shown on the petitioners’ drawing, shall be used only as a residence and is not permitted to be used as an annex, storage center or any other auxiliary or ancillary purpose relating to the veterinary medical center. The residence shall be maintained for use as a residence whether by rental or occupation by the owners of the property.
13. The largest number of professional, para-professional and administrative clerical employees (not including owners Drs. Sinnigen), on site at any one time shall not exceed ten (10) employees.
14. Any addition to/modification of premises shall not enlarge the business or professional activity at the site beyond that represented by the petitioners and as discussed in the minutes of the public hearing. Any addition shall receive appropriate permits from the Building Inspector and comply with any and all other applicable regulations relating to design and construction of same. Any building modification shall from exterior dimensions and design be approximately as represented to the Board in public hearing.
15. This special permit is limited to the use of the property, is non-transferable and will expire in two (2) years on November 14, 2002, and the Board will consider renewal upon receipt of proper application on or before that date.”

VOTED: In favor: 4 (Phelps, Kablack, O’Brien, Burpee) Opposed: Delaney

REASONS: The petitioners seek renewal of a special permit to operate a veterinary medical center and kennel. The majority found that the petitioners have met the criteria for granting renewal of a special permit. The petitioners have adhered to the conditions of the special permit with the exception of the condition to require either the owner or employee to be able to rent the residence. The majority found that to expand that condition to allow other tenants not associated with the operation to rent the residence would not diminish the intent which is to maintain the structure as a residence and not allow its addition as part of the business. In granting renewal with the conditions imposed, the majority finds that adequate safeguards are in place to ensure control over this operation located in a residential area in order that there be no detriment to the neighborhood and that the character of the neighborhood would not be significantly altered by the continued use of this facility at this location.

Thomas W.H. Phelps, Chairman

Mark A. Kablack, Clerk

Patrick J. Delaney III

Lauren S. O'Brien

Richard L. Burpee, Alternate

DAVID J. HOWE
28 Reeves Street
00-38

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, NOVEMBER 14, 2000

The Board consisted of:

Thomas W.H. Phelps, Chairman
Mark A. Kablack, Clerk
Patrick J. Delaney III
Lauren S. O'Brien
Richard L. Burpee, Alternate

Notice was published in the Sudbury Town Crier on October 26 and November 2, 2000, posted, mailed and read at this hearing.

Mr. Phelps, Chairman, explained the requirements necessary to substantiate the granting of a special permit. He also explained that if anyone is not satisfied with the Board's decision, they have the right to appeal to Superior Court or District Court within twenty days after the decision has been filed with the Town Clerk, and that possible other appeals may exist under current law.

David Howe was present to represent a petition for Special Permit to legalize a 2X42 foot cantilever having a side yard setback deficiency of 16 feet \pm at 28 Reeves Street.

Mr. Howe explained that approximately 2 ½-3 years ago he submitted an application for a building permit to construct a new house over the existing foundation. The structure of the house was a modular type and ended up overhanging the foundation by approximately two feet. Mr. Howe was notified upon inspection by the Building Inspector that the cantilever did not comply with zoning and that a special permit would be required from the Board of Appeals to legalize the structure.

Mr. Howe said when he applied for his permit he did not realize that the cantilever would create a setback violation. He apologized for the delay in submitting his application to the Board citing a lack of time.

The Board reviewed the plot plan submitted with the application.

There were no further questions or comments. No abutters were present. The hearing was closed.

After deliberation the following motion was placed and seconded:

MOTION: “To grant David J. Howe, owner of property, a Special Permit under the provisions of Section I,D,3 of the Zoning Bylaws, to legalize a 2X42 foot cantilever having a side yard setback deficiency of 16 feet ±, property located at 28 Reeves Street, Residential Zone A-1.”

VOTED: In favor: 5 (unanimous) Opposed: 0

REASONS: Due to the nonconforming nature of the structure, the petitioner requires a special permit to legalize an existing cantilever which violates current setback requirements. The Board finds that the existing encroachment is not substantially more detrimental than the existing nonconformity to the neighborhood. The Board notes that no abutters were present to oppose this petition.

Thomas W.H. Phelps, Chairman

Mark A. Kablack, Clerk

Patrick J. Delaney III

Lauren S. O'Brien

Richard L. Burpee, Alternate

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, NOVEMBER 14, 2000

The Board consisted of:

Thomas W.H. Phelps, Chairman
Mark A. Kablack, Clerk
Patrick J. Delaney III
Lauren S. O'Brien
Richard L. Burpee, Alternate

Notice was published in the Sudbury Town Crier on October 26 and November 2, 2000, posted, mailed and read at this hearing.

Mr. Phelps, Chairman, explained the requirements necessary to substantiate the granting of a special permit. He also explained that if anyone is not satisfied with the Board's decision, they have the right to appeal to Superior Court or District Court within twenty days after the decision has been filed with the Town Clerk, and that possible other appeals may exist under current law.

Lorenzo Majno was present to represent a petition for Special Permit to alter and enlarge a nonconforming structure by constructing a garage/workshop addition which will result in a side yard setback deficiency at 10 Hudson Road.

Mr. Majno presented a model of the existing house with an overlay of the proposed addition. Over 1 ½ years ago he began discussions with his abutter, the First Parish Church, with regard to the project and the possibility of acquiring some land from the church in order proceed with construction plans. From the plot plan submitted with the application, Mr. Majno explained that currently the house encroaches on the First Parish property by approximately one foot and there is an easement to address this issue. In order to put a garage on the east side of the property, he would have to purchase a piece of land from the church.

From the model and photo renderings, Mr. Majno described the house pointing out that because of the interior orientation of the house the addition makes more sense to be located on the east side. He said he has tried to maintain the historical integrity of the house in designing the addition. Although the project would have to be approved by the Historic Districts Commission, he has received verbal approval and only needs to formally apply for a Certificate of Appropriateness.

In addition, Mr. Majno said the church has agreed to sell him approximately 300 s.f. of land in order to construct the addition. With this property, the setback of the addition would be approximately 1-3 feet from the church property. The house would then be within the property

line eliminating the easement. The church has also agreed to consent to the setback deficiency which would arise as a result of the construction. He said they would rather sell a small piece of property and go along with the resultant deficiency.

Mr. Majno said the last step in laying the groundwork to determine whether the project is possible is approval from the Board of Appeals. He said he has not started anything yet. The idea was to make sure everything could happen.

Discussion followed on the setback issue. Mr. Majno said the church itself is approximately 160 feet away. Mr. Kablack asked if Mr. Majno looked into buying more land in order that there be no deficiency. Mr. Majno replied that he did; however, the church was not willing to sell. He had even offered a trade of land but was unsuccessful.

The Board was reluctant to allow a one-foot setback from the property line from a maintenance and access point of view. In addition, from a construction point of view, Mr. Kablack pointed out that there could easily be an inadvertent encroachment of a couple of inches which could ultimately cloud the title should Mr. Majno ever decide to sell the property.

Mr. Phelps asked if the size of the addition had been decided. Mr. Majno would estimate it to be 24X24 which would be standard for a 2-car garage with workshop.

Mr. Delaney felt a comfortable minimum would be 5-6 feet from the property line. Mr. Majno did not seem to think this would be a problem with the church. He said in his discussions with them, they had talked about a 1-3 foot setback in the context of the size of the addition proposed. He would think the church would be willing to sell an amount of land to arrive at a 5-foot setback from the property line.

There were no further questions or comments. No abutters were present. The hearing was closed.

After deliberation the following motion was placed and seconded:

MOTION: "To grant Lorenzo C. & Mary Lee Majno, owners of property, a Special Permit under the provisions of Section I,D,3 of the Zoning Bylaws, to alter and enlarge a nonconforming structure by constructing a garage/workshop addition which will result in a side yard setback deficiency no greater than 15 feet \pm , property located at 10 Hudson Road, Residential Zone A-1, provided that:

1. A Certificate of Appropriateness for the design is obtained from the Historic Districts Commission.

2. This Special Permit shall lapse within one (1) year from date of issuance if construction has not begun by such date except for good cause.”

VOTED: In favor: 5 (unanimous) Opposed: 0

REASONS: The petitioners require a special permit due to the nonconforming nature of the property. The Board finds that the proposed alteration, which will result in a side yard setback deficiency, will not be substantially more nonconforming than the existing nonconformity to the neighborhood. The petitioner has demonstrated that the addition will enhance and maintain the historic integrity of the existing structure. The petitioner’s abutter (First Parish Church) is willing to sell a portion of their property in order that the petitioner may construct the addition, and has agreed to do so with their approval of the resultant side yard setback deficiency. Since the church building is at least 160 feet from the property line, the Board finds a setback deficiency of no greater than 15 feet to be appropriate in this case.

Thomas W.H. Phelps, Chairman

Mark A. Kablack, Clerk

Patrick J. Delaney III

Lauren S. O’Brien

Richard L. Burpee, Alternate

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, NOVEMBER 14, 2000

The Board consisted of:

Thomas W.H. Phelps, Chairman
Mark A. Kablack, Clerk
Patrick J. Delaney III
Lauren S. O'Brien
Richard L. Burpee, Alternate

Notice was published in the Sudbury Town Crier on October 26 and November 2, 2000, posted, mailed and read at this hearing.

Mr. Phelps, Chairman, explained the requirements necessary to substantiate the granting of a special permit. He also explained that if anyone is not satisfied with the Board's decision, they have the right to appeal to Superior Court or District Court within twenty days after the decision has been filed with the Town Clerk, and that possible other appeals may exist under current law.

Linda Brehn was present to represent a petition for Special Permit to alter and enlarge a nonconforming structure by constructing a covered porch which will increase the street centerline setback deficiency at 4 July Road.

From the renderings submitted with the application, Ms. Brehn described the proposed construction. She explained that she plans to construct an addition in a conforming area; however, to balance that construction a covered porch is proposed. Ms. Brehn explained that a cement stoop currently exists in that location and extends approximately 2 ½-3 feet from the house. The landing of the proposed porch will extend approximately 4 feet.

The Board reviewed the front elevations and the proposed design with questions asked for clarification.

There were no abutters present. The hearing was closed.

After deliberation the following motion was placed and seconded:

MOTION: "To grant Linda Brehn & Alan Hamilton, owners of property, a Special Permit under the provisions of Section I,D,3 of the Zoning Bylaws, to alter and enlarge a nonconforming structure by constructing a covered porch which will increase the street centerline setback deficiency by 4 feet, from 28 feet to 32 feet ±, property located at 4 July Road, Residential Zone A-1.

This special permit shall lapse within one (1) year from date of issuance if construction has not begun by such date except for good cause.”

VOTED: In favor: 5 (unanimous) Opposed: 0

REASONS: The petitioners require a special permit due to the nonconforming nature of the property. The Board finds that the proposed alteration, which will increase the street centerline setback deficiency, will not be substantially more nonconforming than the existing nonconformity to the neighborhood. It finds that the proposed alteration will enhance the appearance of the structure and will be architecturally compatible with the existing house and other construction plans in the conforming area. The construction is consistent with other improvements made in the area and will benefit the neighborhood as a whole in terms of its appearance.

Thomas W.H. Phelps, Chairman

Mark A. Kablack, Clerk

Patrick J. Delaney III

Lauren S. O'Brien

Richard L. Burpee, Alternate

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, NOVEMBER 14, 2000

The Board consisted of:

Thomas W.H. Phelps, Chairman
Mark A. Kablack, Clerk
Patrick J. Delaney III
Lauren S. O'Brien
Richard L. Burpee, Alternate

Notice was published in the Sudbury Town Crier on October 26 and November 2, 2000, posted, mailed and read at this hearing.

Mr. Phelps, Chairman, explained the requirements necessary to substantiate the granting of a special permit. He also explained that if anyone is not satisfied with the Board's decision, they have the right to appeal to Superior Court or District Court within twenty days after the decision has been filed with the Town Clerk, and that possible other appeals may exist under current law.

Timothy Hollingworth was present to represent a Special Permit to alter and enlarge a nonconforming structure by constructing a garage expansion which will create a side yard setback deficiency at 434 Concord Road.

Mr. Hollingworth explained that he would like to expand his one-car garage to accommodate two cars. From the rendering and plot plan submitted with the application he described the appearance and resultant setback deficiency. The structure is a Cape-style design. The existing garage would be expanded consistent with the same design.

In response to a question from Mr. Phelps regarding setbacks, Mr. Hollingworth estimated his neighbor's house has the required 20-foot side yard setback and his living room is on that side. Additionally, he has spoken to that neighbor who has no objection to the proposed construction.

Ms. O'Brien noted that there are shrubs and trees on that side which act as a buffer. She asked whether these would remain. Mr. Hollingworth said other than what must be removed for the construction, it is his intent to keep as much as possible.

There were no further questions or comments. No abutters were present. The hearing was closed.

After deliberation the following motion was placed and seconded:

MOTION: "To grant Vincent O'Neill & Timothy Hollingworth, owners of property, a Special Permit under the provisions of Section I,D,3 of the Zoning Bylaws, to alter and enlarge a nonconforming structure by constructing a 9X20.2 foot garage expansion which will create a side yard setback deficiency of 7 feet \pm , property located at 434 Concord Road, Residential Zone A-1

This special permit shall lapse within one (1) year from date of issuance if construction has not begun by such date except for good cause."

VOTED: In favor: (unanimous) Opposed: 0

REASONS: The petitioners require a special permit due to the nonconforming nature of the property. The Board finds that the proposed alteration, which will create a side yard setback deficiency, will not be substantially more nonconforming than the existing nonconformity to the neighborhood. It further finds that the proposed construction will be architecturally compatible with the existing structure and will serve to provide shelter for vehicles particularly during the winter months. The Board notes that no abutters were present to oppose this petition and the applicant has contacted his immediate abutter who had no objection to the petition.

Thomas W.H. Phelps, Chairman

Mark A. Kablack, Clerk

Patrick J. Delaney III

Lauren S. O'Brien

Richard L. Burpee, Alternate